

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-0400

DIAGNOSTIC DEVICES, INC.)	
)	
Plaintiff)	
)	
vs.)	ORDER
)	
AZCO CORPORATION,)	
)	
)	
Defendant.)	
_____)	

THIS MATTER is before this Court on Plaintiff's Motion to Dismiss and Alternative Motions to Transfer or Stay. It appears to the Court that the instant dispute arises out of the same contractual agreement at issue in the matter of Azco Corp. v. Diagnostic Devices, Inc., 2:12-cv-02872-DMC-JAD (D.N.J.) (The "New Jersey Action"). The New Jersey Action was filed on May 14, 2012 by Azco. The instant action was filed in Mecklenburg County Superior Court on June 8, 2012 by Diagnostic Devices, and subsequently removed to this Court by Azco on June 28, 2012. A Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(3) is currently pending in the New Jersey Action.

In the interest of judicial economy, this Court **ORDERS** the instant action **STAYED** pending resolution of the Motion to Dismiss in the New Jersey Action. Within 14 days of the resolution of the Motion in the New Jersey Action, the parties are **ORDERED** to submit a joint status report, explaining the disposition of the Motion, to this Court.

IT IS SO ORDERED.

Signed: August 13, 2012

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

